[ES] The Spanish Supreme Court endorses an amendment to RTVE's statute granting executive powers to the interim president

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On 31 May, the Supreme Court dismissed an appeal lodged against the Council of Ministers' resolution authorising an amendment to the statute of the Spanish Radio and Television Corporation (RTVE) to grant executive functions to the broadcaster's interim president. Consequently, the current interim president of RTVE, Concepción Cascajosa, can continue, albeit temporarily, at the helm of the public broadcaster.

The Supreme Court has dismissed the appeal filed by the unions USO, UGT, and SI against the Council of Ministers' resolution of 4 October 2022. This resolution amended the statute of the Spanish Radio and Television Corporation to stipulate that, in the event of a vacancy or the absence of the president of the RTVE Corporation, an interim president appointed by the board of directors will assume the position. In practice, this amendment to the statute implies granting executive functions to the interim president.

This decision by the Council of Ministers followed the resignation of José Manuel Pérez Tornero as president of the RTVE Corporation and as a member of the board of directors in September 2022, after a year and a half in office. Elena Sánchez, a member of the board of directors, then assumed the interim presidency of RTVE until her dismissal in March 2024. Concepción Cascajosa now holds the interim presidency of the corporation and will be able to retain executive functions following the Supreme Court's decision.

The unions had argued that by granting the interim presidency of RTVE to the board of directors, the intervention of the Congress of Deputies, which appoints the president of RTVE to ensure its independence, was bypassed. However, the Supreme Court considers that the amendment to RTVE's statute does not contravene Law 17/2006 on state-owned radio and television, as it remains the Congress of Deputies' prerogative to appoint the president of RTVE. Furthermore, it is noted that in the event of a parliamentary deadlock preventing the necessary two-thirds majority, the functions of the corporation's presidency cannot be paralysed.

El Tribunal Supremo desestima el recurso interpuesto contra el acuerdo del Consejo de Ministros que autorizó la modificación de los Estatutos

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Sociales de RTVE

https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunal-Supremo/Noticias-Judiciales/El-Tribunal-Supremo-desestima-el-recurso-contra-el-acuerdo-del-Consejo-de-Ministros-que-autorizo-la-modificacion-de-los-Estatutos-Sociales-de-RTVE

The Supreme Court dismisses the appeal lodged against the Council of Ministers' resolution authorising the modification of RTVE's statute

Estatutos Sociales de la "Corporación de Radio y Televisión Española"

https://www.rtve.es/contenidos/corporacion/Texto_Consolidado_ESTATUTOS_SOCIALES_a_05.10.22.pdf

Articles of Association of the Corporación de Radio y Televisión Española.

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